

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VIRGINIA PELLEGRINI, Trustee of the  
Mario J. and Virginia E. Pellegrini Trust,  
and VIRGINIA PELLEGRINI, an  
individual,

Plaintiff,

vs.

TECHNICHEM, INC., a California  
corporation, MARK J. NG, an  
individual; STEPHEN S. TUNG, an  
individual,

Defendants.

CASE NO. 07-CV-02497-CRB

**[PROPOSED] ORDER  
GRANTING DEFENDANTS'  
MOTION TO DISMISS FRAUD  
CLAIMS AND STRIKE  
PUNITIVE DAMAGES**

Hearing Date: July 11, 2008  
Hearing Time: 10:00 a.m.  
Courtroom: 8, 19<sup>th</sup> Floor  
Judge: Charles R. Breyer

Complaint filed: May 9, 2007  
Trial Date: October 6, 2008

The Court has heard the motion brought by defendants Technichem, Inc., Mark J. Ng, and Stephen S. Tung to dismiss the Eighteenth Cause of Action for Fraud/Constructive Fraud for failure to plead fraud with particularity pursuant to Rule 9(b) of the Federal Rules of Civil Procedure and to strike any related requests for punitive damages pursuant to Rule 12(f) of the Federal Rules of Civil Procedure.

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**ORDER**

For good cause shown,

IT IS HEREBY ORDERED that the Eighteenth Cause of Action for Fraud/Constructive Fraud in the operative complaint is dismissed with prejudice.

IT IS FURTHER ORDERED that any related requests for punitive damages are stricken from the operative complaint.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

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Hon. Charles R. Breyer

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